

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SERGEI MOROSHKIN,

Plaintiff,

-against-

NATIONAL COUNCIL ON THE AGING, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/14/2024

23-CV-01301 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

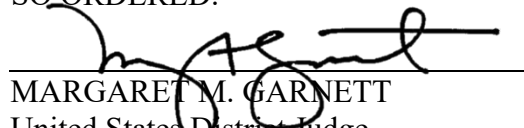
On February 13, 2023, Plaintiff Moroshkin filed the complaint in this action, *pro se*. Dkt. No. 2. On September 8, 2023, Plaintiff Moroshkin filed the amended complaint, which is the operative complaint in this action. Dkt. No. 5 (the “Amended Complaint”). On February 27, 2024, this case was reassigned to the undersigned. On March 1, 2024, the Court ordered the Clerk of Court to effectuate service of the Amended Complaint upon Defendants via the U.S. Marshals Service. Dkt. No. 7. The U.S. Marshals Service effectuated service upon Defendant National Council on the Aging (“NCOA”) on March 20, 2024. *See* Dkt. No. 11. Defendant NCOA’s time to answer, move, or otherwise respond to the Amended Complaint elapsed on April 18, 2024. *See id.* On May 29, 2024, the Court ordered Defendant NCOA to show cause as to why default judgment should not be entered against it. *See* Dkt. No. 20. On June 5, 2024, Plaintiff Moroshkin filed a Notice of Motion for Default Judgment. *See* Dkt. No. 22. On June 13, 2024, Defendant NCOA responded to the Court’s Order to Show Cause (Dkt. No. 23), explained its default to the Court’s satisfaction, and entered a Notice of Appearance (Dkt. No. 24).

Accordingly, it is hereby ORDERED that Plaintiff’s Notice of Motion for Default Judgment (Dkt. No. 22) is DENIED for good cause shown. If Plaintiff wishes to amend the complaint to dismiss Defendant NCOA and substitute the New York City Department for the Aging, *see* Dkt. No. 23 at ¶ 4, the Court grants him leave to do so, provided any such amendment is filed no later than **July 14, 2024**. Defendant NCOA’s deadline to answer, move, or otherwise respond to Plaintiff’s complaint is ADJOURNED *sine die*, pending the Plaintiff’s decision regarding dismissal or substitution of parties.

The Clerk of Court is respectfully directed to terminate Dkt. No. 22 and mail a copy of this Order to Plaintiff Moroshkin.

Dated: June 14, 2024
New York, New York

SQ ORDERED.


MARGARET M. GARNETT
United States District Judge